

# **NEVADA BALLOT QUESTIONS 1988**



**A compilation of ballot questions which will appear  
on the November 8, 1988, Nevada  
general election ballot**

**Issued by Secretary of State Frankie Sue Del Papa**

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STATE OF NEVADA



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Fellow Nevadan,

In this booklet, you'll find the texts of the questions which will appear on your November 8, 1988, general election ballot.

In addition to the formal legal texts of the questions, there are also plainer English explanations of what the questions will do if they are approved. And, there are arguments for and against each question.

I hope you will have the opportunity to study these measures, and that you will take the opportunity to vote on them.

Good luck,

A handwritten signature in dark ink, appearing to read "Frankie Sue Del Papa".

Frankie Sue Del Papa  
Secretary of State

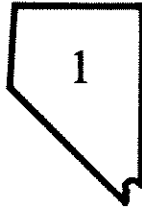
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# NEVADA BALLOT QUESTIONS—1988

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# 1988 BALLOT QUESTIONS



## QUESTION NO. 1

### Amendment to the Constitution

Senate Joint Resolution No. 16 of the 63rd Session

#### CONDENSATION (ballot question)

Shall the Nevada constitution be amended to specify times for the filing with the Secretary of State of petitions relating to initiative and referendum and to authorize the use of statistical methods for the preliminary verification of the sufficiency of those petitions?

Yes 203,329 ☒  
No 113,957 ☐

#### EXPLANATION

The existing procedures for amending state laws or the Nevada constitution by a vote of the people (initiative), or voting upon a state law enacted by the legislature (referendum) do not specify times for the initial filing of the required petitions with the Secretary of State. Although authorized by state law, the methods for verifying signatures on petitions are not specified in the Nevada constitution. The proposed amendment would specify dates for the initial filing of petitions. It would also authorize the use of "generally accepted statistical procedures" in verifying the signatures submitted on the petitions.

#### ARGUMENT FOR PASSAGE

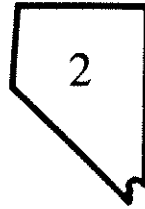
The Nevada constitution does not specify time limits for gathering signatures on petitions for an initiative or a referendum. The proposal would provide specific time lines, which would average nine months, for gathering these signatures. Approval of this proposal would require petitions to be completed within a reasonable time and simplify verification of petitions.

#### ARGUMENT AGAINST PASSAGE

The time limits in the proposal may discourage the circulation or inhibit the completion of a petition for an initiative or a referendum.

#### FISCAL NOTE

Passage of this proposal would have no fiscal impact on state or local governments.



## QUESTION NO. 2

### Amendment to the Constitution

Senate Joint Resolution No. 21 of the 63rd Session

#### CONDENSATION (ballot question)

Shall the Nevada constitution be amended to clarify which state lands and revenues are pledged for educational purposes?

Yes 246,855 ☒  
No 77,685 ☐

#### EXPLANATION

The Nevada constitution provides that certain lands and revenues are pledged for educational purposes. The language of the constitutional provision is confusing and outdated. The proposal would clarify the language of the provision, but would not change its scope or effect.

#### ARGUMENT FOR PASSAGE

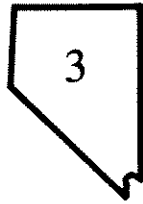
The new language in the proposal more clearly states the provisions of the Nevada constitution relating to state lands and revenues which are pledged for education purposes. Approval of this proposal would help to ensure that the proceeds derived from school grant lands and certain other types of revenue would continue to be pledged permanently for educational purposes.

#### ARGUMENT AGAINST PASSAGE

While confusing and outdated, there have been few significant problems caused by the wording of the current language in the constitution.

#### FISCAL NOTE

Passage of this proposal would have no fiscal impact on state or local governments.



## QUESTION NO. 3

### Amendment to the Constitution

Senate Joint Resolution No. 6 of the 63rd Session

#### CONDENSATION (ballot question)

Shall the Nevada constitution be amended to authorize specifically the legislative review of administrative regulations?

Yes 152,509 ☐  
No 163,255 ☒

#### EXPLANATION

Nevada law currently provides for review of administrative regulations of state agencies by the legislature to determine whether the regulations exceed the authority for their adoption provided in state law. If this proposal is approved, the constitution would specifically authorize:

1. Legislative review of such regulations before they become effective;
2. The suspension of such regulations if they appear to exceed the authority provided in state law; and
3. The nullification of such regulations by a representative body of the legislature.

#### ARGUMENT FOR PASSAGE

Nevada currently has a law which provided for the legislature to review the regulations proposed by state agencies of the executive branch of government. The existing legislative review is designed to ensure that:

1. State agencies act within their legal authority; and
2. Proposed regulations carry out the intent of the legislature.

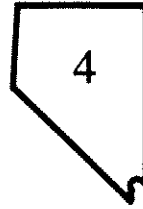
Approval of the proposal would make it clear that the legislature has the authority to ensure that the laws it passes are being carried out as intended.

#### ARGUMENT AGAINST PASSAGE

The Nevada constitution provides for a separation of powers among legislative, executive and judicial branches of government. The legislature should not have the authority to review or override the regulations proposed by agencies of the executive branch.

#### FISCAL NOTE

Passage of this proposal would have no fiscal impact on state or local governments.



## QUESTION NO. 4

### Amendment to the Constitution

Senate Joint Resolution No. 17 of the 63rd Session

#### CONDENSATION (ballot question)

Shall the Nevada constitution be amended to require the selection of judges initially by appointment and the retention of judges by election?

Yes 144,964 ☐  
No 181,368 ☒

#### EXPLANATION

Supreme court justices and district judges in Nevada are selected by election except in the case of a vacancy, in which case the vacancy is filled by appointment by the governor. The governor fills the vacancy from three nominees selected on the basis of merit by a commission created pursuant to the constitution. The proposal would eliminate the initial election of justices and judges and would require them to be appointed by the governor in the manner provided for filling vacancies. Once appointed, a justice or judge who desires to serve a second or subsequent term would be subject to approval by a majority vote of the people. The justice or judge would not run against another candidate. If the justice or judge is not approved at this election, a vacancy would be created which would be filled by appointment by the governor.

#### ARGUMENT FOR PASSAGE

Judges should be independent from outside influences. The proposal takes politics out of the judiciary. The proposed system, which is used in many other states, helps to ensure that judicial vacancies are filled by the most highly qualified and respected persons. The proposal would reduce political pressures by eliminating the need for significant contributions for election campaigns, which may make candidates feel obligated to contributors.

The current system provides that judges are automatically reelected, regardless of their performance in office, unless challenged by another candidate. This proposal requires that judges answer to the voters at regular intervals.

The proposal is a merit system that provides for detailed screening of an applicant's background and qualifications. In contrast, initial elections of judges offer no screening and emphasize effective campaigning.

#### **ARGUMENT AGAINST PASSAGE**

Although this proposal allows voters to decide whether to retain a judge, it may be difficult to assess a judge's performance without an opposing candidate's critique. The proposal also will not completely remove politics from the initial selection process. The emphasis will merely be shifted to a commission on judicial selection and the governor. Although most judges now are appointed rather than elected to their first term, the proposal would require that all judges be appointed to their first term.

#### **FISCAL NOTE**

Passage of this proposal would have no fiscal impact on state or local governments.



## NOTE TO VOTERS

Ballot Questions 5, 6, 7 and 8 relate to Nevada's sales tax. It is important that you understand this tax and the process by which it may be changed. As noted below, only a portion of this tax may be changed by you, the voter.

Nevada's sales tax consists of three separate taxes levied at different rates on the sale and use of personal property in the state. The current total rate is 5.75 percent.

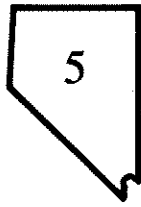
The tax includes:

Tax		Rate	
1.	The Sales and Use Tax.....	2	percent
2.	The Local School Support Tax.....	1.5	percent
3.	The City-County Relief Tax.....	2.25	percent
Total.....		5.75	percent

The Sales and Use Tax may be amended or repealed only with the approval of the voters. The Local School Support Tax and the City-County Relief Tax may be amended or repealed by the legislature without the approval of the voters. For the questions on this ballot, however, the legislature has provided that the Local School Support Tax and the City-County Relief Tax will not be amended unless you approve the corresponding amendment to the Sales and Use Tax.

Depending on its population, each county is also authorized to impose an additional tax at a rate of not less than one-quarter of 1 percent nor more than one-half of 1 percent, subject to the approval of the voters in that county.

These additional taxes have, in some counties, increased the rate of the sales tax above the rate imposed statewide.



## QUESTION NO. 5

### Proposal to Amend the Sales and Use Tax Act

Senate Bill No. 316

#### CONDENSATION (ballot question)

Shall the Sales and Use Tax Act be amended to exempt from the tax personal property that is donated or loaned to tax-exempt organizations?

Yes 176,790 ☒  
No 147,796 ☐

#### EXPLANATION

Currently, personal property that is donated or loaned to a governmental, religious or charitable organization is subject to sales tax. The proposed amendment would exempt the donated or loaned property from sales tax.

If this proposal is adopted, the exemption would apply to all components of the sales tax. (Please see "NOTE TO VOTERS" on page 8.)

#### ARGUMENT FOR PASSAGE

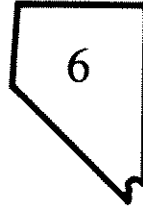
Passage of this proposal would encourage the donation or loan of items to tax-exempt organizations by eliminating the requirement that sales taxes be paid on those items.

#### ARGUMENT AGAINST PASSAGE

Passage of this proposal would reduce sales tax revenues available to state and local governments in Nevada.

#### FISCAL NOTE

Passage of this proposal would cause an unknown, but minimal, loss of sales tax revenue for state and local governments.



## QUESTION NO. 6

### Proposal to Amend the Sales and Use Tax Act

Senate Bill No. 260

#### CONDENSATION (ballot question)

Shall the Sales and Use Tax Act be amended to exempt 40 percent of the gross receipts from the sale of any new manufactured home or new mobile home and to provide an exemption for the gross receipts from the sale of any used manufactured home or used mobile home?

Yes.....145,069.....☒  
No.....159,006.....☐

#### EXPLANATION

The proposed amendment to the Sales and Use Tax Act would exempt 40 percent of the taxes imposed by the act from the sale of any new manufactured home or new mobile home. It would also exempt totally the sale of any used manufactured home or used mobile home.

If this proposal is adopted, the exemptions would apply to all components of the sales tax. (Please see "NOTE TO VOTERS" on page 8.)

#### ARGUMENT FOR PASSAGE

This proposal would provide more equity in the sales tax treatment of manufactured or mobile homes when compared to conventional homes. Mobile home and manufactured home builders pay sales taxes on construction materials, then an additional sales tax is assessed when the dealer sells the home to the retail buyer. By comparison, only the materials in conventional homes are subject to sales tax. The proposal would remove that difference and make the sales tax treatment similar. This proposal would reduce the sales tax burden for persons buying new manufactured or mobile homes and eliminate the burden on manufactured or mobile homes on which sales tax has previously been paid.

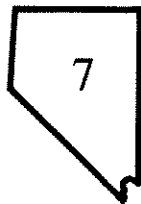
Passage of the proposal would aid the consumer by helping to lower the cost of buying manufactured or mobile homes. Approval of the proposal also may stimulate additional sales and benefit related industries.

### ARGUMENT AGAINST PASSAGE

Passage of this proposal would reduce sales tax revenues available to state and local governments in Nevada if additional sales are not stimulated.

### FISCAL NOTE

Passage of this proposal, based on current sales volume, is projected to cause an estimated \$2.3 million loss of sales tax revenue for state and local governments in fiscal year 1989. This compares to Nevada's total sales tax revenue for state and local governments of \$556.2 million in fiscal year 1987.



## QUESTION NO. 7

### Proposal to Amend the Sales and Use Tax Act

Senate Bill No. 401

### CONDENSATION (ballot question)

Shall the Sales and Use Tax Act be amended to exempt from taxation the sale of building materials, machinery and equipment to qualified businesses for use in a specially benefited zone?

Yes.....78,495.....☐  
No.....242,460.....☒

### EXPLANATION

A specially benefited zone is a depressed area designated by a local government and the governor as in need of economic development. The proposed amendment to the Sales and Use Tax Act would exempt from taxation the sale of building materials, machinery and equipment to qualified businesses for use in a specially benefited zone.

If this proposal is adopted, the exemption would apply to all components of the sales tax. (Please see "NOTE TO VOTERS" on page 8.)

### ARGUMENT FOR PASSAGE

The proposal would stimulate economic development in depressed areas of the state. Its approval would provide a tax incentive to encourage revitalization of designated areas within communities. This action would

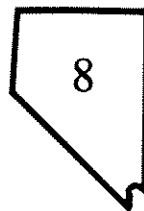
permit the areas to compete for business development with newly established industrial or commercial areas. The proposal also would encourage existing businesses in specially benefited zones to improve and expand, thus enhancing property values and increasing property tax revenues. The program would provide employment opportunities for persons who reside in specially benefited zones.

#### ARGUMENTS AGAINST PASSAGE

Approval of this proposal would place businesses immediately surrounding specially benefited zones in an unfair competitive position. The state should not make changes in its tax laws to stimulate economic development. Other techniques are available for this purpose.

#### FISCAL NOTE

Passage of this proposal could reduce the amount of future sales tax revenue for state and local governments. Any loss may be offset by increases in revenue from property taxes and sales taxes resulting from higher property values and business activity.



## QUESTION NO. 8

### Proposal to Amend the Sales and Use Tax Act

Senate Bill No. 230

#### CONDENSATION (ballot question)

Shall the Sales and Use Tax Act be amended to exempt from the tax the sale of gold, silver or platinum bars or medallions which are statutorily authorized to bear the state seal, and gold, silver, platinum and other precious metals sold at retail as bullion, ingots, bars or bullion coins?

Yes.....185,443.....☐  
No.....196,084.....☒

#### EXPLANATION

The proposed amendment to the Sales and Use Tax Act would exempt from the tax the sale of gold, silver or platinum medallions or bars which are authorized by law to bear the state seal, as well as gold, silver, platinum and other precious metals sold at retail as bullion, ingots, bars or bullion coins.

If this proposal is adopted, the exemption would apply to all components of the sales tax. (Please see "NOTE TO VOTERS" on page 8.)

#### **ARGUMENT FOR PASSAGE**

This proposal would exempt bullion, bullion coins and other precious metals from sales tax. The change would put Nevada on an equal footing with nearby states which do not impose taxes on similar sales. The proposal could serve as an incentive for economic development in Nevada by encouraging the purchase of precious metals for investment.

#### **ARGUMENT AGAINST PASSAGE**

Passage of this proposal may reduce sales tax revenues available to state and local governments in Nevada.

#### **FISCAL NOTE**

Passage of this proposal may reduce the amount of future sales tax revenue for state and local governments. Any loss may be offset by increases in sales taxes resulting from higher business activity.



**The explanatory language accompanying the statewide ballot questions was approved by the Nevada Legislative Commission on February 17, 1988.**

**NOTE: Additional questions may appear on the ballot as a result of initiatives circulated by the voters during 1988.**

QUESTION NO. 9

An initiative relating to taxation

CONDENSATION (ballot question)

Shall the Nevada Constitution be amended to prohibit a state personal income tax?

Yes 276,976 ✓

No 59,803

EXPLANATION

Question Nine would, if passed, amend the Nevada Constitution to prohibit the imposition of a personal income tax while affirming the legislature's already existing authority to tax the income or revenues of businesses.

ARGUMENT FOR PASSAGE

The strongest protection against a state personal income tax is an amendment to the Nevada Constitution, since the later repeal of a constitutional amendment would be a difficult and lengthy process. In addition to this protection, passage of Question Nine would reaffirm giving the legislature the flexibility to impose income or revenue-based taxes on businesses in Nevada, if needed in the future. It does not create or impose any special tax, specify any particular form of taxation, or set any tax rate. Such decisions would be left to the separate actions of the legislature or voters of Nevada, if and when they feel revenue and spending needs justify any such tax.

ARGUMENT AGAINST PASSAGE

Constitutions are supposed to be documents which provide broad policy guidelines rather than details of government functions. Article Ten, Section One of the Nevada Constitution already permits only those taxes which "provide by law for a uniform and equal rate of assessment and taxation." Fairness in taxation is thus already ensured in the state constitution, and any tax which does not comply would be subject to being challenged and overturned in court. The details of tax planning should then be left to the people's representatives who are charged with raising revenues adequate to ensure the functioning of the government, and who must have the flexibility to carry out this responsibility. Exceptions to the broad constitutional guidelines merely invite more and more exceptions in the future, making Nevada's tax structure increasingly rigid and narrowly based.

TEXT OF BALLOT QUESTION NINE

Proposed Constitutional Amendment

The People of the State of Nevada Do Enact As Follows:

Subsection 9 of Section 1 of Article 10 of the Constitution of the State of Nevada is hereby added to read as follows:

*9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the state.*

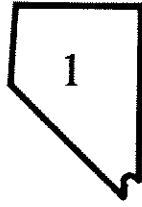


## LEGISLATIVE ENACTMENTS

On the following pages are the measures passed by the Nevada Legislature which placed the 1988 questions on the ballot. Material in *italics* would, if approved by the voters, be new language added to the constitution or statutes. Material in [brackets] would, if approved by the voters, be deleted. The term “63d session” refers to the 1985 Nevada Legislature, where several of the questions originated. Each ballot question was placed on the ballot by passage of a legislative measure:

- Question 1.....Senate Joint Resolution No. 16 (1985 Legislature)
- Question 2.....Senate Joint Resolution No. 21 (1985 Legislature)
- Question 3.....Senate Joint Resolution No. 6 (1985 Legislature)
- Question 4.....Senate Joint Resolution No. 17 (1985 Legislature)
- Question 5.....Senate Bill No. 316 (1987 Legislature)
- Question 6.....Senate Bill No. 260 (1987 Legislature)
- Question 7.....Senate Bill No. 401 (1987 Legislature)
- Question 8.....Senate Bill No. 230 (1987 Legislature)

Questions One through Four would, if approved by the voters, change the Nevada Constitution. The Constitution requires that any constitutional change must pass two sessions of the Nevada Legislature. The first four questions on the 1988 ballot were each introduced at the 1985 legislature and approved by both the 1985 and the 1987 legislatures (the 63d and 64th sessions of the Nevada Legislature). Questions Five through Eight would, if approved by the voters, change Nevada’s statutes. This requires passage by one session of the legislature before submission to the voters. The second four questions on the 1988 ballot were each introduced at and approved by the 1987 legislature (the 64th session of the Nevada Legislature).



## Senate Joint Resolution No. 16 of the 63rd Session

SENATE JOINT RESOLUTION—Proposing to amend sections 1, 2 and 3 of article 19 of the constitution of the State of Nevada, relating to the initiative and referendum by establishing times for the initial filing of petitions with the secretary of state and authorizing the use of statistical methods for the preliminary verification of the sufficiency of those petitions.

RESOLVED BY THE SENATE AND THE ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That sections 1, 2 and 3 of article 19 of the constitution of the State of Nevada be amended to read respectively as follows:

Section 1. 1. *A person who intends to circulate a petition that a statute or resolution or part thereof enacted by the legislature be submitted to a vote of the people, before circulating the petition for signatures, shall file a copy thereof with the secretary of state. He shall file the copy not earlier than August 1 of the year before the year in which the elections will be held.*

2. Whenever a number of registered voters of this state equal to 10 percent or more of the number of voters who voted at the last preceding general election shall express their wish by filing with the secretary of state, not less than 120 days before the next general election, a petition in the form provided for in section 3 of this article that any statute or resolution or any part thereof enacted by the legislature be submitted to a vote of the people, the officers charged with the duties of announcing and proclaiming elections and of certifying nominations or questions to be voted upon shall submit the question of approval or disapproval of such statute or resolution or any part thereof to a vote of the voters at the next succeeding election at which such question may be voted upon by the registered voters of the entire state. *The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest.*

[2.] 3. If a majority of the voters voting upon the proposal submitted at such election votes approval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall stand as the law of the state and shall not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. If a majority of such voters votes disapproval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall be void and of no effect.

Sec. 2. 1. Notwithstanding the provisions of section 1 of article 4 of this constitution, but subject to the limitations of section 6 of this article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by section 3 of this article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the state, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire state at the last preceding general election.

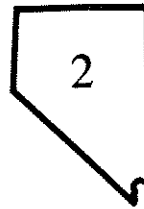
3. If the initiative petition proposes a statute or an amendment to a statute, *the person who intends to circulate it shall file a copy with the secretary of state before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the legislature is held. After its circulation, it shall be filed with the secretary of state not less than 30 days prior to any regular session of the legislature. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest.* The secretary of state shall transmit such petition to the legislature as soon as the legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the legislature and approved by the governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in section 1 of this article. If the statute or amendment to a statute is rejected by the legislature, or if no action is taken thereon within 40 days, the secretary of state shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the supreme court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the legislature reject such proposed statute or amendment, the governor may recommend to the legislature and the legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the governor, the question of approval or disapproval of each measure shall be submitted by the secretary of state to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law.

4. If the initiative petition proposes an amendment to the constitution, *the person who intends to circulate it shall file a copy with the secretary of state before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the secretary of state not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire state. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest.* The secretary of state shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the state, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the secretary of

state shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall become a part of this constitution upon completion of the canvass of votes by the supreme court.

Sec. 3. 1. Each referendum petition and initiative petition shall include the full text of the measure proposed. Each signer shall affix thereto his or her signature, residence address and the name of the county in which he or she is a registered voter. The petition may consist of more than one document, but each document shall have affixed thereto an affidavit made by one of the signers of such document to the effect that all of the signatures are genuine and that each individual who signed such document was at the time of signing a registered voter in the county of his or her residence. The affidavit shall be executed before a person authorized by law to administer oaths in the State of Nevada. The enacting clause of all statutes or amendments proposed by initiative petition shall be: "The People of the State of Nevada do enact as follows:".

2. *The legislature may authorize the secretary of state and the other public officers to use generally accepted statistical procedures in conducting a preliminary verification of the number of signatures submitted in connection with a referendum petition or an initiative petition, and for this purpose to require petitions to be filed no more than 65 days earlier than is otherwise required by this article.*

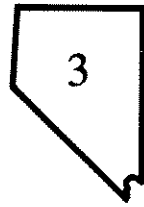


### Senate Joint Resolution No. 21 of the 63rd Session

SENATE JOINT RESOLUTION—Proposing to amend the constitution of the State of Nevada to clarify those state lands and proceeds which are pledged for educational purposes.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That section 3 of article 11 be amended to read as follows:

Sec. 3. All lands [ , including the sixteenth and thirty-sixth sections in any township donated for the benefit of public schools in the act of the Thirty-eighth Congress, to enable the people of Nevada Territory to form a state government, the thirty thousand acres of public lands granted by an act of Congress, approved July second, A.D. eighteen hundred and sixty-two, for each senator and representative in Congress, and all proceeds of lands that have been or may hereafter be granted or appropriated by the United States to this state, and also the five hundred thousand acres of land granted to the new states under the act of Congress distributing the proceeds of the public lands among the several states of the union, approved A.D. eighteen hundred and forty-one; *provided*, that Congress make provision for or authorize such diversion to be made for the purpose herein contained; all estates that may escheat to the state; all of such per centum as may be granted by Congress on the sale of lands; all fines collected under the penal laws of the state; all property given or bequeathed to the state for educational purposes, and all proceeds derived from any or all of said sources shall be and the same are hereby solemnly pledged for educational purposes, and shall not be transferred to any other funds for other uses; and the interest thereon shall, from time to time, be apportioned among the several counties as the legislature may provide by law; and the legislature shall provide for the sale of floating land warrants to cover the aforesaid lands, and for the investment of all proceeds derived from any of the above-mentioned sources; *provided*, that the interest only of the aforesaid proceeds shall be used for educational purposes, and any surplus interest shall be added to the principal sum; *and provided further*, that such portion of said interest as may be necessary may be appropriated for the support of the state university.] *granted by Congress to this state for educational purposes, all estates that escheat to the state, all property given or bequeathed to the state for educational purposes, and the proceeds derived from these sources, together with that percentage of the proceeds from the sale of federal lands which has been granted by Congress to this state without restriction or for educational purposes and all fines collected under the penal laws of the state are hereby pledged for educational purposes and the money therefrom must not be transferred to other funds for other uses. The interest only earned on the money derived from these sources must be apportioned by the legislature among the several counties for educational purposes, and, if necessary, a portion of that interest may be appropriated for the support of the state university, but any of that interest which is unexpended at the end of any year must be added to the principal sum pledged for educational purposes.*



### Senate Joint Resolution No. 6 of the 63rd Session

SENATE JOINT RESOLUTION—Proposing to amend the constitution of this state to authorize specifically the legislative review of administrative regulations.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That section 1 of article 3 of the constitution of the State of Nevada be amended to read as follows:

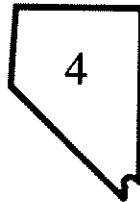
Section **[.]** 1. *1.* The powers of the Government of the State of Nevada shall be divided into three separate departments,—the Legislative,—the Executive and the Judicial; and no persons charged with the exercise of powers properly belonging to one of these departments shall exercise any functions, appertaining to either of the others, except in the cases **[herein]** expressly directed or permitted **[.]** in this constitution.

2. *If the legislature authorizes the adoption of regulations by an executive agency which bind persons outside the agency, the legislature may provide by law for:*

(a) *The review of these regulations by a legislative agency before their effective date to determine initially whether each is within the statutory authority for its adoption;*

(b) *The suspension by a legislative agency of any such regulation which appears to exceed that authority, until it is reviewed by a legislative body composed of members of the Senate and Assembly which is authorized to act on behalf of both houses of the legislature; and*

(c) *The nullification of any such regulation by a majority vote of that legislative body, whether or not the regulation was suspended.*



### Senate Joint Resolution No. 17 of the 63rd Session

SENATE JOINT RESOLUTION—Proposing amendments to article 6 of the constitution of the State of Nevada to require selection of judges initially by merit and retention by election

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 6, and sections 3, 5, 15 and 20 of article 6 of the constitution of the State of Nevada be amended to read as follows:

Sec. 22. 1. *The initial term of office of each judge of the district court appointed pursuant to section 20 of this article expires on the 1st Monday of January next following the first general election held after the year in which that judge was appointed. The initial term of office of each justice of the supreme court so appointed expires at the end of the full term of the justice whom he succeeds. The term of office of each justice or judge who succeeds himself is 6 years, beginning and ending on the 1st Monday of January in the respectively appropriate years.*

2. *Each justice or judge who desires to succeed himself shall, on or before July 1 next preceding the expiration of his term of office, declare his candidacy in a manner provided by law. With respect of each justice or judge who so declares, the question must be presented at the next general election, in a form provided by law, whether that justice or judge shall succeed himself.*

3. *If a justice or judge does not declare his candidacy, or if a majority of the votes cast on the question or cast against his succeeding himself, a vacancy is created at the expiration of his term which must be filled by appointment pursuant to section 20 of this article.*

**[Sec: 3.** The Justices of the Supreme Court, shall be elected by the qualified electors of the State at the general election, and shall hold office for the term of Six Years from and including the first Monday of January next succeeding their election; Provided, that there shall be elected, at the first election under this Constitution, Three Justices of the Supreme Court who shall hold Office from and including the first Monday of December AD. Eighteen hundred and Sixty four, and continue in Office thereafter, Two, Four and Six Years respectively, from and including the first Monday of January next succeeding their election. They shall meet as soon as practicable after their election and qualification, and at their first meeting shall determine by lot, the term of Office each shall fill, and the Justice drawing the shortest term shall be Chief Justice, and after the expiration of his term, the one having the next shortest term shall be Chief Justice, after which the Senior Justice in Commission shall be Chief Justice; and in case the commission of any two or more of said Justices shall bear the same date, they shall determine by lot, who shall be Chief Justice.]

*Sec. 3. After each biennial election, the justices of the supreme court shall meet and select as chief justice the senior justice in commission. If the commissions of any two or more justices bear the same date, they shall determine by lot who is chief justice.*

*Sec. 5. [The state is hereby divided into Nine Judicial Districts of which the county of Storey shall constitute the First; The county of Ormsby the Second; the county of Lyon the Third; The county of Washoe the Fourth; The counties of Nye and Churchill the Fifth; The county of Humboldt the Sixth; The county of Lander the Seventh; The county of Douglas the Eighth; and the county of Esmeralda the Ninth. The county of Roop shall be attached to the county of Washoe for judicial purposes until otherwise provided by law.] The Legislature may [, however,] provide by law for an alteration in the boundaries or divisions of the [Districts herein prescribed, and also] judicial districts and for increasing or diminishing the number of [the Judicial Districts and Judges] those districts and the judges therein. But no such change [shall] may take effect, except in case of a vacancy [,] or the expiration of the term of an incumbent of the [Office. At the first general election under this Constitution there shall be elected in each of the respective Districts (except as in this Section hereafter otherwise provided) One District Judge, who shall hold Office from and including the first Monday of December AD. Eighteen hundred and Sixty four and until the first Monday of January in the year Eighteen hundred and Sixty seven. After the said first election, there shall be elected at the General election which immediately precedes the expiration of the term of his predecessor, One District Judge in each of the respective Judicial Districts (except in the First District as in this Section hereinafter provided.) The District Judges shall be elected by the qualified electors of their respective districts, and shall hold office for the term of 6 years (excepting those elected at said first election) from and including the first Monday of January, next succeeding their election and qualification; Provided, that the First Judicial District shall be entitled to, and shall have Three District Judges, who shall possess] office of district judge. In a judicial district with more than one district judge, each judge possesses co-extensive and concurrent jurisdiction, and [who shall be elected at the same times, in the same manner, and shall hold office for the like terms as herein prescribed, in relation to the Judges in other Judicial Districts.] any one of said Judges may preside on the [empanneling] empanneling of Grand Juries and the presentment and trial on indictments, under such rules and regulations as may be prescribed by law.*

*[Sec.] Sec. 15. The justices of the Supreme Court and District Judges shall each receive for their services a compensation to be fixed by law and paid in the manner provided by law, which [shall] must not be increased or diminished during the term for which they [shall] have been elected [,] or appointed, unless a Vacancy occurs, in which case the successor of the former incumbent shall receive only such salary as may be provided by law at the time of his election or appointment; and provision shall be made by law for setting apart from each year's revenue a sufficient amount of Money, to pay [such] that compensation.*

*Sec. 20. 1. When a vacancy occurs [before the expiration of any term of office] for any reason in the supreme court or among the district judges, the governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the commission on judicial selection.*

*2. [The term of office of any justice or judge so appointed expires on the first Monday of January following the next general election.*

*3.] Each nomination for the supreme court [shall] must be made by the permanent commission, composed of:*

- (a) The chief justice or an associate justice designated by him;*
- (b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors;*

*and*

- (c) Three persons, not members of the legal profession, appointed by the governor.*

*[4.] 3. Each nomination for the district court [shall] must be made by a temporary commission composed of:*

- (a) The permanent commission;*

*(b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the board of governors of the State Bar of Nevada; and*

- (c) A resident of [such] that judicial district, not a member of the legal profession, appointed by the governor.*

*[5.] 4. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or if it fails to do so the court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.*

*[6.] 5. The term of office of each appointive member of the permanent commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission [shall] must be appointed when a vacancy occurs, and their terms [shall] expire when the nominations for [such] that vacancy have been transmitted to the governor.*

*[7.] 6. An appointing authority shall not appoint to the permanent commission more than:*

- (a) One resident of any county.*
- (b) Two members of the same political party.*

*No member of the permanent commission may be a member of a commission on judicial discipline.*

*[8.] 7. After the expiration of 30 days from the date on which the commission on judicial selection has delivered to him its list of nominees for any vacancy, if the governor has not made the appointment required by this section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted. If a commission on judicial selection is established by another section of this constitution to nominate persons to fill vacancies on the supreme court, [such] that commission shall serve as the permanent commission established by subsection [3] 2 of this section.*



Senate Bill No. 316

AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption for personal property loaned or donated to tax-exempt organizations; contingently creating the same exemption from certain analogous taxes; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE  
AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. At the general election on November 8, 1988, a proposal must be submitted to the registered voters of this state to amend the Sales and Use Tax Act, which was enacted by the 47th session of the legislature of the State of Nevada and approved by the governor in 1955, and subsequently approved by the people of this state at the general election held on November 6, 1956.

Sec. 2. At the time and in the manner provided by law, the secretary of state shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 3. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the general election on November 8, 1988, a question will appear on the ballot for the adoption or rejection by the registered voters of the state of the following proposed act:

AN ACT to amend an act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto," approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:

Section 1. The above entitled act, being chapter 397, Statutes of Nevada 1955, at page 762, is hereby amended by adding thereto a new section to be designated as section 50.2, immediately following section 50, to read as follows:

*Sec. 50.2. There are exempted from the taxes imposed by this act on the storage, use or other consumption of tangible personal property any such property loaned or donated to:*

1. *The United States, its unincorporated agencies and instrumentalities.*
2. *Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.*
3. *The State of Nevada, its unincorporated agencies and instrumentalities.*
4. *Any county, city, district or other political subdivision of this state.*
5. *Any organization created for religious, charitable or eleemosynary purposes, provided that no part of the net earnings of any such organization inures to the benefit of any private shareholder or individual.*

Sec. 2. This act becomes effective on January 1, 1989.

Sec. 4. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to provide an exemption from the taxes imposed by this act on the storage, use or other consumption of tangible personal property of any such property loaned or donated to tax-exempt organizations?

Yes                      No

Sec. 5. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes imposed by this act on the storage, use or other consumption of tangible personal property any such property loaned or donated to the United States, the State of Nevada, its political subdivisions or a religious, charitable or eleemosynary organization. If this proposal is adopted, the legislature has provided that the Local School Support Tax Law and the City-County Relief Tax Law will be amended to provide the same exemption.

Sec. 6. If a majority of the votes cast on the question is yes, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 1989. If a majority of votes cast on the question is no, the question fails and the amendment to the Sales and Use Tax Act of 1955 does not become effective.

Sec. 7. All general election laws not inconsistent with this act are applicable.

Sec. 8. Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the adoption of the act by a majority of the registered voters voting on the question if it can be ascertained with reasonable certainty from the official returns transmitted to the office of the secretary of state whether the proposed amendment was adopted or rejected by a majority of those registered voters.

Sec. 9. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

*There are exempted from the taxes imposed by this chapter on the storage, use or other consumption of tangible personal property any such property loaned or donated to:*

1. *The United States, its unincorporated agencies and instrumentalities.*
2. *Any incorporated agency or instrumentality of the United States wholly owned by the United States or by a corporation wholly owned by the United States.*
3. *The State of Nevada, its unincorporated agencies and instrumentalities.*
4. *Any county, city, district or other political subdivision of this state.*
5. *Any organization created for religious, charitable or eleemosynary purposes, provided that no part of the net earnings of any such organization inures to the benefit of any private shareholder or individual.*

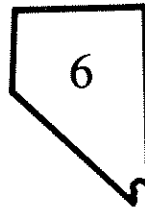
**Sec. 10.** NRS 374.200 is hereby amended to read as follows:

374.200 Every retailer maintaining a place of business in a county and making sales of tangible personal property for storage, use or other consumption in the county, not exempted under NRS 374.265 to 374.355, inclusive, and section 9 of this act, shall, at the time of making the sales or, if the storage, use or other consumption of the tangible personal property is not then taxable hereunder, at the time of the storage, use or other consumption becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the department.

**Sec. 11.** NRS 374.265 is hereby amended to read as follows:

374.265 "Exempted from the taxes imposed by this chapter," as used in NRS 374.265 to 374.355, inclusive, and section 9 of this act, means exempted from the computation of the amount of taxes imposed.

**Sec. 12.** Sections 9, 10 and 11 of this act become effective on January 1, 1989, only if the question provided for in section 3 of this act is approved by the voters at the general election on November 8, 1988.



## Senate Bill No. 260

AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to change the method used to tax new mobile homes and new manufactured homes and to exempt used mobile homes and used manufactured homes from the tax; contingently creating the same exemptions to certain analogous taxes; and providing other matters properly relating thereto.

### THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** At the general election on November 8, 1988, a proposal must be submitted to the registered voters of this state to amend the Sales and Use Tax Act, which was enacted by the 47th session of the legislature of the State of Nevada and approved by the governor in 1955, and subsequently approved by the people of this state at the general election held on November 6, 1956.

**Sec. 2.** At the time and in the manner provided by law, the secretary of state shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

**Sec. 3.** The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the general election on November 8, 1988, a question will appear on the ballot for the adoption or rejection by the registered voters of the state of the following proposed act:

AN ACT to amend an act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto," approved March 29, 1955, as amended.

### THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:

**Section 1.** The above-entitled act, being chapter 397, Statutes of Nevada 1955, at page 762, is hereby amended by adding thereto a new section to be designated as section 62, immediately following section 61, to read as follows:

**Sec. 62. 1.** *There are exempted from the taxes imposed by this act an amount equal to 40 percent of the gross receipts from the sales and storage, use or other consumption of new manufactured homes and new mobile homes.*

**2.** *There are exempted from the taxes imposed by this act the gross receipts from the sales and storage, use or other consumption of used manufactured homes and used mobile homes for which taxes under this act have been paid as a result of a previous sale, storage, use or consumption.*

**3.** *As used in this section:*

*(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113; and*

*(b) "Mobile home" has the meaning ascribed to it in NRS 489.120. The term does not include a motor home as defined in NRS 482.071.*

**Sec. 2.** This act becomes effective on the date on which the votes cast on the question are canvassed pursuant to NRS 293.395.

**Sec. 4.** The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to provide an exemption for an amount equal to 40 percent of the gross receipts from the sale of any new manufactured home or new mobile home and for the gross receipts from the sale of any used manufactured home or used mobile home?

Sec. 5. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes imposed by this act an amount equal to 40 percent of the gross receipts from the sale of any new manufactured home or new mobile home. It would also exempt from the taxes the gross receipts from the sale of any used manufactured home or used mobile home. If this proposal is adopted, the legislature has provided that the Local School Support Tax Law and the City-County Relief Tax Law will be amended to provide the same exemptions.

Sec. 6. If a majority of the votes cast on the question is yes, the amendment to the Sales and Use Tax Act of 1955 becomes effective on the date on which the votes therefor are canvassed pursuant to NRS 293.395. If a majority of votes cast on the question is no, the question fails and the amendment to the Sales and Use Tax Act of 1955 does not become effective.

Sec. 7. All general election laws not inconsistent with this act are applicable.

Sec. 8. Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the adoption of the act by a majority of the registered voters voting on the question if it can be ascertained with reasonable certainty from the official returns transmitted to the office of the secretary of state whether the proposed amendment was adopted or rejected by a majority of those registered voters.

Sec. 9. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *There are exempted from the taxes imposed by this chapter an amount equal to 40 percent of the gross receipts from the sales and storage, use or other consumption of new manufactured homes and new mobile homes.*

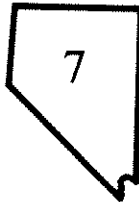
2. *There are exempted from the taxes imposed by this chapter the gross receipts from the sales and storage, use or other consumption of used manufactured homes and used mobile homes for which taxes under this chapter have been paid.*

3. *As used in this section:*

(a) *"Manufactured home" has the meaning ascribed to it in NRS 489.113; and*

(b) *"Mobile home" has the meaning ascribed to it in NRS 489.120. The term does not include a motor home as defined in NRS 482.071.*

Sec. 10. Section 9 of this act becomes effective on the date on which the votes cast on the question provided for in section 3 of this act are canvassed pursuant to NRS 293.395, only if the question is approved by the voters at the general election on November 8, 1988.



Senate Bill No. 401

AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption for the gross receipts from the sale of certain building materials, machinery and equipment to a qualified business within a zone for economic development; contingently creating the same exemption from certain analogous taxes; contingently repealing the provisions allowing a similar exemption; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE  
AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. At the general election on November 8, 1988, a proposal must be submitted to the registered voters of this state to amend the Sales and Use Tax Act, which was enacted by the 47th session of the legislature of the State of Nevada and approved by the governor in 1955, and subsequently approved by the people of this state at the general election held on November 6, 1956.

Sec. 2. At the time and in the manner provided by law, the secretary of state shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 3. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the general election on November 8, 1988, a question will appear on the ballot for the adoption or rejection by the registered voters of the state of the following proposed act:

AN ACT to amend an act entitled "An Act to provide revenue for the State of Nevada, providing for sales and use taxes; providing for the manner of collection; defining certain terms, providing penalties for violation, and other matters properly relating thereto," approved March 29, 1955, as amended.

THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:

Section 1. The above entitled act, being chapter 397, Statutes of Nevada 1955, at page 762, is hereby amended by adding thereto a new section to be designated as section 60.5, immediately following section 60.1 to read as follows:



*Sec. 60.5. There are exempted from the taxes imposed by this act the gross receipts from the sale of building materials used in new construction, remodeling and rehabilitation, and new and used machinery and equipment to a person who holds a valid certificate, issued pursuant to NRS 274.270, as a qualified business within a specially benefited zone and who purchases those items for use in the conduct of his business within the zone.*

Sec. 2. This act becomes effective on January 1, 1989.

Sec. 4. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to provide an exemption from the taxes imposed by this act on the gross receipts from the sale of building materials used in new construction, remodeling and rehabilitation, and new and used machinery and equipment to a qualified business within a specially benefited zone which purchases those items for use in its business within the zone?

Sec. 5. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

(Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes imposed by this act the sale of building materials used in new construction, remodeling and rehabilitation, and new and used equipment and machinery to a qualified business within a specially benefited zone which purchases those items for use in its business within the zone. If this proposal is adopted, the legislature has provided that the Local School Support Tax Law and the City-County Relief Tax Law will be amended to provide the same exemption.

Sec. 6. If a majority of the votes cast on the question is yes, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 1989. If a majority of votes cast on the question is no, the question fails and the amendment to the Sales and Use Tax Act of 1955 does not become effective.

Sec. 7. All general election laws not inconsistent with this act are applicable.

Sec. 8. Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the adoption of the act by a majority of the registered voters voting on the question if it can be ascertained with reasonable certainty from the official returns transmitted to the office of the secretary of state whether the proposed amendment was adopted or rejected by a majority of those registered voters.

Sec. 9. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

*There are exempted from the taxes imposed by this chapter the gross receipts from the sale of building materials used in new construction, remodeling and rehabilitation, and new and used equipment and machinery to a person who holds a valid certificate, issued pursuant to NRS 274.270, as a qualified business within a specially benefited zone and who purchases those items for use in the conduct of his business within the zone.*

Sec. 10. NRS 274.230 is hereby amended to read as follows:

274.230 When a specially benefited zone is designated and approved under this chapter, the governing body of the designating municipality may:

1. Apply with the United States Department of Commerce to have the specially benefited zone declared to be a free trade zone.
2. When any federal legislation concerning specially benefited zones is enacted or becomes effective, prepare and submit, with the assistance of the administrator and in a timely fashion, all information and forms necessary to permit the specially benefited zone designated and approved under this chapter to be considered as an eligible area under the federal program.
3. Apply for all available assistance from the federal, state, and in the case of a city, the county government, including the suspension or modification of their regulations within the specially benefited zone that have the characteristics described in subsection 1 of NRS 274.110.
4. Develop and carry out a program to improve police protection within the zone.
5. Give priority to the use in the zone of any federal assistance for urban development or job training.
6. By ordinance adopt regulations for qualifying employers for the benefits authorized specifically for qualified businesses under this chapter. [and NRS 374.643.]

Sec. 11. NRS 274.270 is hereby amended to read as follows:

274.270 1. The governing body shall investigate the proposal made by a business pursuant to NRS 274.260, and if it finds that the business is qualified by financial responsibility and business experience to create and preserve employment opportunities in the specially benefited zone and improve the economic climate of the municipality and finds further that the business did not relocate from a depressed area in this state or reduce employment elsewhere in Nevada in order to expand in the specially benefited zone, the governing body may, on behalf of the municipality, enter into an agreement with the business, for a period of not more than 20 years, under which the business agrees in return for one or more of the benefits authorized in this chapter [and NRS 374.643] for qualified businesses, as specified in the agreement, to establish, expand, renovate or occupy a place of business within the specially benefited zone and hire new employees at least 35 percent of whom at the time they are employed are at least one of the following:

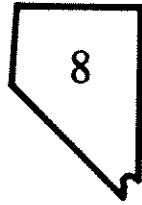
- (a) Unemployed persons who have resided at least 6 months in the municipality.
  - (b) Persons eligible for employment or job training under any federal program for employment and training who have resided at least 6 months in the municipality.
  - (c) Recipients of benefits under any state or county program of public assistance, including aid to dependent children, aid to the medically indigent and unemployment compensation who have resided at least 6 months in the municipality.
  - (d) Persons with a physical or mental handicap who have resided at least 6 months in the state.
  - (e) Residents for at least 1 year of the area comprising the specially benefited zone.
2. To determine whether a business is in compliance with an agreement, the governing body:
- (a) Shall each year require the business to file proof satisfactory to the governing body of its compliance with the agreement.
  - (b) May conduct any necessary investigation into the affairs of the business and may inspect at any reasonable hour its place of business within the specially benefited zone.

If the governing body determines that the business is in compliance with the agreement, it shall issue a certificate to that effect to the business. The certificate expires 1 year after the date of its issuance.

3. The governing body shall file with the administrator, the department of taxation and the employment security department a copy of each agreement, the information submitted under paragraph (a) of subsection 2 and the current certificate issued to the business under that subsection. The governing body shall immediately notify the administrator, the department of taxation and the employment security department whenever the business is no longer certified.

Sec. 12. NRS 374.643 is hereby repealed.

Sec. 13. Sections 9 to 12, inclusive, of this act become effective on January 1, 1989, only if the question provided for in section 3 of this act is approved by the voters at the general election on November 8, 1988.



### Senate Bill No. 230

AN ACT relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption for certain forms of precious metals sold at retail; contingently creating the same exemption from certain analogous taxes; and providing other matters properly relating thereto.

#### THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. At the general election on November 8, 1988, a proposal must be submitted to the registered voters of this state to amend the Sales and Use Tax Act, which was enacted by the 47th session of the legislature of the State of Nevada and approved by the governor in 1955, and subsequently approved by the people of this state at the general election held on November 6, 1956.

Sec. 2. At the time and in the manner provided by law, the secretary of state shall transmit the proposed act to the several county clerks, and the county clerks shall cause it to be published and posted as provided by law.

Sec. 3. The proclamation and notice to the voters given by the county clerks pursuant to law must be in substantially the following form:

Notice is hereby given that at the general election on November 8, 1988, a question will appear on the ballot for the adoption or rejection by the registered voters of the state of the following proposed act:

AN ACT to amend an act entitled "An Act to provide revenue for the State of Nevada; providing for sales and use taxes; providing for the manner of collection; defining certain terms; providing penalties for violation, and other matters properly relating thereto," approved March 29, 1955, as amended.

#### THE PEOPLE OF THE STATE OF NEVADA DO ENACT AS FOLLOWS:

Section 1. The above-entitled act, being chapter 397, Statutes of Nevada 1955, at page 773, is hereby amended by adding thereto a new section to be designated as section 63.5, immediately following section 63, to read as follows:

Sec. 63.5. *There are exempted from the taxes imposed by this chapter the gross receipts from the sale, storage, use or other consumption in this state of:*

1. *Gold, silver or platinum medallions or bars which are statutorily authorized to bear the state seal; and*
2. *Gold, silver, platinum and other precious metals sold at retail as bullion, ingots, bars or bullion coins.*

Sec. 2. This act becomes effective on January 1, 1989.

Sec. 4. The ballot page assemblies and the paper ballots to be used in voting on the question must present the question in substantially the following form:

Shall the Sales and Use Tax Act of 1955 be amended to provide an exemption from the taxes imposed by this act on the gross receipts from the sale, storage, use or other consumption of gold, silver or platinum bars or medallions which are statutorily authorized to bear the state seal, and gold, silver, platinum and other precious metals sold at retail as bullion, ingots, bars or bullion coins?

Yes                      No

Sec. 5. The explanation of the question which must appear on each paper ballot and sample ballot and in every publication and posting of notice of the question must be in substantially the following form:

#### (Explanation of Question)

The proposed amendment to the Sales and Use Tax Act of 1955 would exempt from the taxes imposed by this act the gross receipts from the sale, storage, use or other consumption of gold, silver or platinum medallions or bars which are authorized by law to bear the state seal, and gold, silver, platinum and other precious metals sold at retail as bullion, ingots, bars or bullion coins. If this proposal is adopted, the legislature has provided that the Local School Support Tax Law and the City-County Relief Tax Law will be amended to provide the same exemption.

Sec. 6. If a majority of the votes cast on the question is yes, the amendment to the Sales and Use Tax Act of 1955 becomes effective on January 1, 1989. If a majority of the votes cast on the question is no, the question fails and the amendment to the Sales and Use Tax Act of 1955 does not become effective.

Sec. 7. All general election laws not inconsistent with this act are applicable.

Sec. 8. Any informalities, omissions or defects in the content or making of the publications, proclamations or notices provided for in this act and by the general election laws under which this election is held must be so construed as not to invalidate the adoption of the act by a majority of the registered voters voting on the question if it can be ascertained with reasonable certainty from the official returns transmitted to the office of the secretary of state whether the proposed amendment was adopted or rejected by a majority of those registered voters.

**Sec. 9.** Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

*There are exempted from the taxes imposed by this chapter the gross receipts from the sale, storage, use or other consumption in this state of:*

1. *Gold, silver or platinum medallions or bars which are statutorily authorized to bear the state seal; and*
2. *Gold, silver, platinum and other precious metals sold at retail as bullion, ingots, bars or bullion coins.*

**Sec. 10.** Section 9 of this act becomes effective on January 1, 1989, only if the question provided for in section 3 of this act is approved by the voters at the general election on November 8, 1988.



**For further information on how to vote in Nevada, contact your local voter registration office at the number listed below:**

Carson City.....	887-2087
Churchill County.....	423-6028
Clark County.....	455-4055
Douglas County.....	782-9014
Elko County.....	738-3044
Esmeralda County.....	485-6367
Eureka County.....	237-5262
Humboldt County.....	623-6343
Lander County.....	635-5738
Lincoln County.....	962-5390
Lyon County.....	463-3341
Mineral County.....	945-2446
Nye County.....	482-8127
Pershing County.....	273-2208
Storey County.....	847-0969
Washoe County.....	328-3500
White Pine County.....	289-2341

## VOTING IN NEVADA

If you are 18 years old, a 30-day resident of Nevada, and a United States citizen, then you are eligible to vote. People who will turn 18 on or before the next election may still register in advance.

Nevadans must register to vote in person. This may be done at the county courthouse or any office of the Department of Motor Vehicles. There are exceptions in the law which allow some Nevadans to register by mail. These include students going to school out-of-state, persons in military or civil service out-of-state, persons engaged in navigation on the high seas or in U.S. waters, and inmates of public institutions. These persons may register to vote by mail. Persons convicted of a felony or dishonorably discharged from the military must have their civil rights restored before registering to vote. It may also be possible to register at a local office of a justice of the peace. Further information on that method can be obtained from your local voter registration office. The telephone number of that office is listed on the previous page.

The deadline for registering to vote in Nevada's 1988 primary election is August 6. The deadline for the general election is October 8.

Nevadans may register to vote as members of the political party of their choice, or as nonpartisan voters. Presently the Republican, Democratic, and Libertarian parties have ballot status in Nevada. Voters who register as nonpartisans will not be able to vote in partisan races in the primary election; their ballots will contain only nonpartisan races. Voters who wish to affiliate with political parties other than the three which have achieved ballot status may do so, but they will be treated as nonpartisans—that is, they will not be able to vote in partisan races.